HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 1122 (M/S) 2006

Wing Commander Surendra Madan Singh (Retd.)
S/o Sri Madan Singh, R/o 226, Rajpur Road,
Dehradun. – Petitioner.

Versus

1. Civil Judge (Sr. Div.), Dehradun,
2. Sri Narendra Kumar S/o Sri Ranjeet.
   Resident of 10, Gandhi Road, Dehradun,
3. Dr. R.K. Verma S/o Luxmi Chand Verma,
   Resident of Gandhi Road, Dehradun. --Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Arvind Vashishtha, learned counsel for the petitioner and Sri Harendra Belwal, learned Standing Counsel for the State of Uttaranchal/respondent no.1.

This writ petition has been for seeking the following reliefs:-

i. A writ, order or direction in the nature of mandamus may kindly be issued commanding the respondent no. 1 to expedite the proceedings of O.S. No. 565 of 1993 Sri Narendra Kumar and another vs. Surendra Madan Singh, pending in the Court of Civil Judge, Senior Division, Dehradun,

ii. Any further order or direction which this Hon'ble Court deems fit under the facts and circumstances of the case,

iii. To award cost of the petition.

The facts, in brief, are that the respondent nos. 2 & 3 filed a Civil Suit no. 565 of 1993 Narendra Kumar and another vs. Surendra Madan Singh in the Court of Civil Judge (Sr. Div.), Dehradun for cancellation of sale deed executed on 8th January 1962.

The petitioner/defendant has filed his written statement and after perusal of the pleadings the trial Court has framed necessary issues on 28th June 1984, however the decision in the suit is being delayed by the plaintiffs/respondents on one pretext or the other. The defendant/petitioner is a retired Wing Commander. Since the suit is of 1993 and the suit has been filed for cancellation of the sale deed executed in the year 1962, it is expected from the trial court i.e. the Civil Judge (Sr. Div.), Dehradun that the Court below shall decide the suit as expeditiously as possible.

The misc. Application no. 10659/06 stands disposed of.

With the direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 22, 2006:

NCM: